



- b. The “Unconstitutional Conditions of Confinement” claim in Count II; and
- c. The “Unconstitutional failure to prevent excessive force” claim in Count

V.

3. Sheriff Owens objects to the denial of his motion to dismiss the “Deliberate Indifference to Medical Care” claims in Counts I and II on the grounds that the allegations in the Amended Complaint relied upon by the Magistrate Judge do not show that Sheriff Owens acted with deliberate indifference to his alleged awareness of the Plaintiff’s alleged serious medical need.

WHEREFORE Defendant Sheriff Owens requests that the Magistrate revise the Report and Recommendation as to the “Deliberate Indifference to Medical Care” claims in Counts I and II.

Respectfully submitted this 29th day of November, 2006.

**s/Gary L. Willford, Jr.**  
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#### **CERTIFICATE OF SERVICE**

I hereby certify that on this the 29th day of November, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: **Richard J. Stockham, III, Kristi Allen Dowdy, and Stephen Michael Doyle.**

**s/Gary L. Willford, Jr.**  
OF COUNSEL